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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,175	05/30/2001	Toshio Takahashi	36409-01200	9194
7590	01/13/2005		EXAMINER	
Christopher E. Chalsen, Esq. Milbank, Tweed, Hadley & McCloy LLP 1 Chase Manhattan Plaza New York, NY 10005-1413			GRANT II, JEROME	
		ART UNIT	PAPER NUMBER	
		2626		

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/870,175	TAKAHASHI, TOSHIO
Examiner	Art Unit	
Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of: \_\_\_\_\_

  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-30-04
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **Detailed Action**

1.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, last limitation, there is a reference to a second transmitting means without the recitation of a "first transmitting means". Hence, the claim is confusing or incomplete. Correction is required.

2.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim rejected under 35 U.S.C. 102(e) as being anticipated by Cox.

With respect to claim 1, Cox teaches a management apparatus for managing a device, comprising:

receiving means (ROM 107 of processor 104) for receiving problem information (error management data 108) concerning a problem that occurs in the device from the user side apparatus (client 101) including said device, wherein the problem information is selected from hierarchical types and degrees of a problem (error codes, image files, device configuration, see para. 0037; and transmitting means (processor 104) for transmitting information 0038 coping with the problem based on said problem received by the receiving means (for example instructions for clearing a paper jam, see para. 38, lines 8-10).

With respect to claims 2 and 7, Cox teaches wherein the device is a printer 102.

With respect to claims 3 and 8, Cox teaches the printer 102 outputs information, and the user side apparatus (client 101) includes information processing apparatus (print driver 110) that communicates with the printer 102.

With respect to claims 4 and 10, Cox teaches a diagnosing means (processor 104 in combination with ROM 107 that contains the software for determining and correcting error management data and said transmitting means (processor 104) for transmitting information (uploads data according to para. 39, line 5) for coping with the problem based on diagnosis result of the diagnosing means to the user side apparatus.

With respect to claim 5, Cox teaches wherein said diagnosing means transmits said information for coping with the problem based on a type of said device to said user side apparatus. See para. 40 line 5 where different printer types can cope with problem (error data). See also para. 37 line 4.

With respect to claim 6, Cox teaches a user side apparatus (computer) including a device (printer) as claimed, comprising: selecting means (printer driver 110) for selecting problem information concerning a problem (see para. 0031 where it is possible for the driver to store problem information) that occurs in the device or of the hierarchical types and degrees of a problem (error codes image fields and configuration data, see para. 0037); transmitting means (printer driver 110) for transmitting the problem information selected by the selecting means to the management apparatus (printer 102); and receiving means (processor 104) for receiving information for coping with the problem based on said problem information from the management apparatus.

With respect to claim 9, Cox teaches a network system consisting of a device (printer) and a server (printer driver 110), for managing the device that are connected on a network, comprising a user side apparatus including said device, wherein said user side apparatus comprises: selecting means (printer driver 110) for selecting problem information that has occurred in said device out of hierarchical types and degrees of a problem(error codes, image file, device configuration; and first transmitting means (processor 104) for transmitting management data to the server the print driver in the client device wherein the server comprises a second transmitting means (internal and inherent within the print driver), means for transmitting information to help cope with the problem.

With respect to claim 11, Cox teaches a method of coping with a device problem for a user side of a device to cope with a problem that a user feels when the user uses the device, comprising: a selecting step (facilitated by a printer driver 110) in which a user side apparatus including said device selects problem information concerning a problem (para. 0031, where driver stores problem information) that occurs in said device based on hierarchical types and degrees of a problem (error codes, image files and device configuration); a first transmitting step (via printer driver 110) for transmitting a problem information selected to a management device; receiving step (via processor 104) in which said management side apparatus receives the problem information transmitted in said first transmitting step; receiving step, via processor 104, in which management side apparatus receives the problem information transmitted in the first transmitting

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step; and a second transmitting step (processor 104) in which said management side apparatus transmits information (management data 101) for coping with the problem information received in said receiving step. See step 302 of figure 3.

With respect to claim 12, Cox teaches a diagnosing step (performed by processor 104) in which said management side (priter 102) apparatus diagnoses the problem based on a type of said device in which the problem occurs (see para. 40, line 5 whre different printer types can cope with problem i.e., error data; in said second transmitting step, said management side apparatus transmits said information for coping with the problem to said user side apparatus based on diagnosis results in said diagnosing step. See step 302 aof figure 3.

With respect to claim 13, Cox teaches a storage medium ROM 107 for having a program (para. 36, lines 1 and 2) for executing processing for a method of coping with a device problem readably stored thereon, wherein the program comprising: a selecting step (facilitated by a printer driver 110) in which a user side apparatus including said device selects problem information concerning a problem (para. 0031, where driver stores problem information) that occurs in said device based on hierarchical types and degrees of a problem (error codes, image files and device configuration); a first transmitting step (via printer driver 110) for transmitting a problem information selected to a management device; receiving step (via processor 104) in which said management side apparatus receives the problem information transmitted

in said first transmitting step; receiving step, via processor 104, in which management side apparatus receives the problem information transmitted in the first transmitting step; and a second transmitting step (processor 104) in which said management side apparatus transmits information (management data 101) for coping with the problem information received in said receiving step. See step 302 of figure 3.

With respect to claim 14, Cox teaches a control method for managing a device, comprising:

receiving means (ROM 107 of processor 104) for performing a receiving step for receiving problem information (error management data 108) concerning a problem that occurs in the device from the user side apparatus (client 101) including said device, wherein the problem information is selected from hierarchical types and degrees of a problem (error codes, image files, device configuration, see para. 0037; and transmitting means (processor 104) for performing a transmitting step for transmitting information 0038 coping with the problem based on said problem received by the receiving means (for example instructions for clearing a paper jam, see para. 38, lines 8-10).

With respect to claim 15, Cox teaches a control method for controlling a user side device, comprising: selecting means (printer driver 110) for performing a selecting step for selecting problem information concerning a problem (see para. 0031 where it is possible for the driver to store problem information) that occurs in the device or of the hierarchical types and degrees of a problem (error codes image fields and configuration

data, see para. 0037); transmitting means (printer driver 110) performing a transmitting step for transmitting the problem information selected by the selecting means to the management apparatus (printer 102); and receiving means (processor 104) for receiving information for coping with the problem based on said problem information from the management apparatus.

With respect to claim 16, Cox teaches a storage medium (ROM 107) having a program for controlling a management apparatus for managing a device stored thereon, wherein the program (para. 36, lines 1 and 2) comprising:

receiving means (ROM 107 of processor 104) for performing a receiving step for receiving problem information (error management data 108) concerning a problem that occurs in the device from the user side apparatus (client 101) including said device, wherein the problem information is selected from hierarchical types and degrees of a problem (error codes, image files, device configuration, see para. 0037; and transmitting means (processor 104) for performing a transmitting step for transmitting information 0038 coping with the problem based on said problem received by the receiving means (for example instructions for clearing a paper jam, see para. 38, lines 8-10).

With respect to claim 17, Cox teaches a storage medium (ROM 107) having a program (lines 1 and 2 of para. 36) for controlling a user side apparatus for managing a device stored thereon, wherein the program comprising:

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: selecting means (printer driver 110) for performing a selecting step for selecting problem information concerning a problem (see para. 0031 where it is possible for the driver to store problem information) that occurs in the device or of the hierarchical types and degrees of a problem (error codes image fields and configuration data, see para. 0037); transmitting means (printer driver 110) performing a transmitting step for transmitting the problem information selected by the selecting means to the management apparatus (printer 102); and receiving means (processor 104) for receiving information for coping with the problem based on said problem information from the management apparatus.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEROME GRANT II  
PRIMARY EXAMINER

J. Grant II